



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

**STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135**

October 10th, 2000

Minutes of the October 10th, 2000, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission Hearing Room, 242 State Street, Augusta, Maine.

Present: Chairman: Peter B. Webster; Members: Dr. Linda W. Cronkhite, and Hon. Harriet P. Henry; Executive Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; and Commission Assistant Diana True.

Absent: Hon. Michael Carpenter and Hon. Virginia Constantine.

Chairman Webster called the meeting to order at 9:02 a.m.

The Commission considered items on the published agenda as follows:

Agenda Item #1: Ratification of Minutes

Judge Henry moved, Ms. Cronkhite seconded, and Members voted unanimously to approve the minutes of the September 14th, 2000, meeting, as corrected by Chair Webster.

Agenda Item #2: Consideration of Lobbyist Reporting Requirements

Chair Webster reminded Members of the fact that his law firm engages in lobbying. Members unanimously agreed that should not disqualify Mr. Webster from participating in the instant discussion. Members then discussed the background of and considered the rulemaking process for clarifying the statutory requirements for lobbyist disclosure. Mr. Hain explained that the existing disclosure scheme is predicated upon reporting the amounts of compensation paid for lobbying services, not upon the hours spent performing particular tasks. Members generally agreed that the present forms fully comply with the statutory mandate for lobbyist disclosure and that such disclosure provides the information required by existing statutes. The disclosure of any additional information would have to be mandated by the Legislature. Based upon that discussion, Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously that further consideration was unnecessary.

Agenda Item #3: Push Polling Rulemaking

The Commission discussed the Commission Counsel's analysis of the legal issues associated with push polling rulemaking and possible Commission actions regarding Chapter 133 of the Maine Resolves, directing the Commission to adopt rules regulating push polling. Members

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

expressed general agreement that the Commission's ability to address push polling through the rulemaking process is extremely limited without more substantive legislative authority and direction and clarification of the legal issues. Consequently, Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously that the Commission does not have the authority to engage in rulemaking regarding push polling at this time and directed Mr. Hain to communicate the Commission's sentiment on this matter to Representative Trahan, who sponsored the Resolve and appeared before the Commission.

Agenda Item #4: Reporting Form for Contributions and Expenditures Under 21-A M.R.S.A. Section 1056-B

Ms. Cronkhite moved, Judge Henry seconded, and Members unanimously voted approval of the form for reporting contributions received and expenditures made by "persons" (who formerly filed under the requirements for "political action committees") pursuant to the requirements of 21-A M.R.S.A. §1056-B, and the reporting schedule published thereon.

Agenda Item #5: Report on Status of Unpaid Penalties

Mr. Hain explained the penalty report that reflected unpaid penalties to date and un-filed campaign finance reports. The Commission discussed the status of unpaid penalties by Mr. John Wade and Mr. Hain detailed his efforts to contact Mr. Wade. Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to refer Mr. Wade's case to the Attorney General for appropriate collection action. Regarding other unpaid penalties, Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to send final notices on all other unpaid penalties and to refer any that are not paid within the requisite time to the Attorney General for appropriate collection action. Regarding those candidates who have not filed required reports, Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to refer those cases to the Attorney General for appropriate action, authorizing the staff to communicate that referral action to those candidates, as appropriate. Members further directed Mr. Hain to communicate to the Legislature the Commission's recommendation that the Commission be authorized to assess a monetary penalty for the failure to file a required report and to further recommend that the Legislature consider the appropriateness of seating an elected Legislator who has not filed required reports.

Agenda Item #6: Maine Clean Election Act General Election Participation Statistics

Mr. Hain explained the information presented in the statistics report and its relevance to the Associated Press article that had appeared in the previous weekend's edition of local newspapers.

Agenda Item #7: Federal Election Commission Communication; Filing Waiver Program Extended to U.S. Senate Candidates

Mr. Hain explained the new FCC program and the availability of Federal candidate reports on the FCC's Internet site.



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda Item #8: Other

(1) Chair Webster reviewed for the information of Members the ongoing reclassification action regarding the Executive Director's position. Mr. Hain advised that he would keep Chair Webster informed of the status of that action.

(2) Chair Webster discussed a draft letter that had been prepared in response to a letter initiated by the Legal and Veterans' Affairs Committee regarding the Commission's Strategic Plan. Members expressed chagrin that the Committee's concerns as described in its August 22nd, 2000 letter were never mentioned at the joint meeting between the Committee and the Commission on July 31st, 2000, particularly in light of the suggestion that one of the initial purposes of the meeting was Performance Budgeting. Chair Webster suggested that he prepare a response on behalf of the Commission to the Committee's letter.

(3) Members discussed the schedule for future meetings in light of travel requirements for several members. The November meeting was scheduled for 10:00 a.m., Wednesday, November 8th, 2000. Ms. Cronkhite reminded Members of her anticipated absence from the November meeting.

(4) Mr. Hain requested advice regarding the issue of a Maine Clean Election Act candidate's expenditure of campaign funds to attend a concert at which the candidate distributed campaign information and introduced himself to prospective voters. The general consensus of Members was that the expenditure was campaign-related because the candidate had represented that he would not have attended the outdoor concert at a local fair except for the campaign opportunities it presented. Members authorized Mr. Hain to exercise his professional discretion on behalf of the Commission on such matters in the future.

(5) Mr. Hain raised the matter of the liquidation of campaign property by Maine Clean Election Act candidates following the election in light of the requirement that all unspent funds are to be repaid to the Maine Clean Election Fund. Members agreed that the appropriate liquidation standard for such property should be "fair market value." Members also suggested that future campaigns should consider renting campaign property instead of buying items with campaign funds and then liquidating the property afterwards.

(6) Mr. Hain requested the Commission's determination regarding the propriety of a MCEA candidate paying for a "thank you" party for campaign workers following the campaign. Since such functions are traditional events, Members agreed that they should be considered as permissible campaign-related expenditures.

There being no further business, on motion and unanimous vote, the Commission adjourned at 11:25 a.m.

Respectfully submitted,

William C. Hain, III
Executive Director

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS